

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

240

Application Number	09/533,798
Filing Date	March 24, 2000
First Named Inventor	Carroll, Miles W.
Art Unit	1648
Examiner Name	Laurie A. SCHEINER
Total Number of Pages in This Submission	240
Attorney Docket Number	021911-000500US

**ENCLOSURES (Check all that apply)**

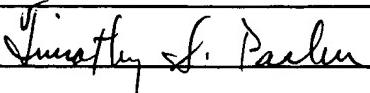
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Notice Under 37 CFR 1.251, Statement, copy of Notice, complete set of application papers, return postcard
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address	
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Kawai Lau		
Date	May 19, 2005	Reg. No.	44,461

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop: Duplicates, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature		
Typed or printed name	Timothy S. Parker	Date May 19, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

PATENT  
Attorney Docket No.: 021911-000500US

Commissioner for Patents  
Attn: Mail Stop: Duplicates  
P.O. Box 1450  
Alexandria, VA 22313-1450

On May 19, 2005

TOWNSEND and TOWNSEND and CREW LLP

By: \_\_\_\_\_

*Douglas J. Parker*



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Miles W. Carroll, et al.

Application No.: 09/533,798

Filed: March 24, 2000

For: POLYPEPTIDE

Examiner: Laurie A. Scheiner

Art Unit: 1648

**RESPONSE TO NOTICE UNDER 37 CFR  
1.251 - PENDING APPLICATION**

Attn: Mail Stop: **Duplicates**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice Under 37 CFR 1.251 - Pending Application, mailed May 3, 2005, Applicants enclose herewith a copy of Applicants' complete record of all correspondence between the U.S. Patent and Trademark Office (USPTO) and Applicants regarding the instant (above identified) application (except for U.S. patent documents) as available in Applicants' files with the undersigned. Applicants are not aware of any correspondence between them and the USPTO in the above identified application that is not in the copy submitted herewith.

A copy of the completed Notice with appropriate statement checked is also enclosed herewith.

In the interest of clarifying the record, Applicants respectfully point out that the "IDS (Information Disclosure Statement) and the References filed on 08/03/04" indicated on page 2 of the

Notice appears to be 8 (eight) sheets, each of which are stamped with the "Aug 03 2004" date. The 8 sheets, however, appear to be copies of earlier filed documents as follows:

- a) sheets 1-6 are identical to 6 (six) pages of a Form PTO-1449 submitted, with 73 references, on August 11, 2000 by previous counsel. All 6 sheets were returned to Applicants, having been initialed by the Examiner, with the Office Action mailed March 13, 2003 (see Paper No. 13);
- b) sheet 7 is identical to 1 (one) page of a Form PTO-1449 submitted, with 2 references, on September 8, 2000 by previous counsel. Applicants note that copies of both references are available as part of the Image File Wrapper (IFW) on public "PAIR" (Patent Application Information Retrieval) for the instant application under the September 8, 2000 date; and
- c) sheet 8 is identical to 1 (one) page of a Form PTO-892 sent by the USPTO with the Office Action mailed March 13, 2003 (see Paper No. 13).

Applicants are uncertain as to why or how the above described sheets were stamped with the "Aug 03 2004" date.

No fee is due in this matter. However, if nevertheless deemed appropriate, the Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 20-1430. This Transmittal Letter is submitted in duplicate.

Respectfully submitted,



Kawai Lau, Ph.D.  
Reg. No. 44,461

**Customer No. 20350**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
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Fax: 415 576-0300  
KL:tsp

In re Application of: CARROLL, MILES WILLIAM et al  
Application No.: 09533798  
Filing Date: 03/24/00  
Title: POLYPEPTIDE

Direct to: U. S. Patent and Trademark Office  
Mail Stop: Duplicates  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450



### NOTICE UNDER 37 CFR 1.251 – Pending Application

Statement (check the appropriate box):

The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

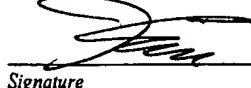
The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).

The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.

Applicant does not possess any record of the correspondence between the Office and the applicant for the above identified application.

May 19, 2005

Date



Signature

Kawai Lau

Typed or printed name

Reg. No. 44,461

A Copy of this notice should be returned with the reply.

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.



**COPY**

## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

### NOTICE UNDER 37 CFR 1.251 - Pending Application

The file on the cover sheet cannot be located after a reasonable search. Therefore, the Office is initiating the reconstruction of the file of the above-identified application pursuant to the provisions of 37 CFR 1.251.

Applicant is hereby requested to provide a copy of applicant's record (if any) of all of the correspondence between the Office and applicant for the above-identified application (except for U.S. patent documents), a list of such correspondence, and a statement that the copy is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and whether applicant is aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

The following paper(s) pertaining to the above-identified application cannot be located after a reasonable search:

IDS (Information Disclosure Statement) and the References filed on 08/03/04.

Therefore, the Office is initiating the reconstruction of such paper(s) pursuant to the provisions of 37 CFR 1.251.

Applicant is hereby requested to provide a copy of the paper(s) listed above and a statement that the copy of such paper(s) is a complete and accurate copy of applicant's record of such paper(s).

If applicant does not possess any record of the correspondence between the Office and the applicant for the file listed on the cover sheet or any copy of the paper(s) listed, applicant must reply to this notice by providing a statement that applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

A printout from PALM of the contents of the file of the above-identified application is included with this notice.

Direct the reply to this notice to:

U. S. Patent and Trademark Office  
Mail Stop: **Duplicates**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Direct questions concerning this notice to:

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PTO Doc. Code: R251.NTC (Rev. 03/05)